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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,927	04/27/2005	Laurent Fay	FR 020111	4567

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
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BRIARCLIFF MANOR, NY 10510

EXAMINER

ALPHONSE, FRITZ

ART UNIT PAPER NUMBER

2133

DATE MAILED: 09/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/532,927

Applicant(s)

FAY ET AL.

Examiner

Fritz Alphonse

Art Unit

2133

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3, 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Particularly, as to claims 1, 3 and 5, the variables "n, k, B<sub>i</sub>" are undefined.

Claims 3 and 5 recites the limitation "the number or C<sub>i</sub>(K) of packet errors" in line 6. There is insufficient antecedent basis for this limitation in the claim.

In addition, as to claim 6, it is not clear as to what it meant by the limitation "wherein the received media packets an intended to be used by an application" recited in claim 6.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guha (U.S. Pat. No. 5,699,369) in view of Kang (U.S. Pat. No. 6,615,382).

As to claims 1, 4 and 7, Guha (figs. 6-8) discloses a transmission system comprising at least a transmitter (208), a transmission network (see figure 8) having a time varying state, and a receiver (216), said transmitter comprising an encoder for generating redundancy packets from media packets so as to provide an error correction capability of a certain number of packets at said receiver (col. 10, lines 1-28, lines 33 to col. 11, line 19), said correction capability depending on the amount of redundancy generated by said encoder (col. 15, lines 39 through col. 16 line 3), said receiver comprising an analyzer for analyzing the packet errors occurring on the transmission network, and for computing an optimal amount of redundancy that gives an error correction capability allowing to respect a maximum tolerated packet error rate (fig. 7; col. 21, lines 9-56).

Guha does not explicitly disclose an optimal amount of redundancy being fed back to the transmitter so as to be used by the encoder.

However, in the same field of endeavor, Kang discloses a method for controlling errors in a wireless link layer using an adaptive forward error correction scheme wherein an optimal

Art Unit: 2133

amount of redundancy being fed back to said transmitter so as to be used by said encoder (col. 7, lines 31-55; col. 8, lines 20-31; fig. 5).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to combine Guha with the wireless system, as disclosed by Kang. Doing so would provide a method for controlling errors in a link layer using a simultaneous multiple copy scheme and an adaptive forward error control scheme, which is capable of satisfying quality of service such as cell propagation delay time and a cell loss ratio for a real-time service as well as a non-real time service in a wideband wireless communication.

As to claim 2, Guha (fig. 8) shows a transmission system, wherein the transmitter (208) comprises a media source (higher layer input) for delivering media packets with an adaptable media bitrate, and said encoder is designed to send to said media source an order for adapting said media bitrate depending on the amount of redundancy currently added by the encoder (col. 7, lines 66 through col. 8 line 15; col. 28, lines 28-53).

As to claims 3 and 5, the claims have substantially the limitations of claim 1; therefore, they are analyzed as previously discussed in claim 1 above.

As to claim 6, Guha (fig. 8) discloses a receiver (216) wherein the received media packets are intended to be used by an application, and said maximum tolerated packet error rate is set by said application (col. 10, lines 1-22).

As to claim 8, Guha (fig. 8) discloses a transmitter (208), comprising a media source (higher layer input) for delivering said media packets with an adaptable media bitrate, wherein said encoder is designed to send to said media source an order for adapting said media bitrate

Art Unit: 2133

depending on the amount of redundancy currently added by the encoder (col. 7, lines 66 through col. 8 line 15; col. 28, lines 28-53).

As to claims 9-10, method claims 9-10 correspond to apparatus claim 1; therefore, they are analyzed as previously discussed in claim 1 above.

***Conclusion***

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks, Washington, D.C. 20231

**or faxed to:** (703) 872-9306 for all formal communications.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz Alphonse, whose telephone number is (571) 272-3813. The examiner can normally be reached on M-F, 8:30-6:00, Alt. Mondays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert De Cady, can be reached at (571) 272-3819.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3824.

Information regarding the status of an application may also be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

Application/Control Number: 10/532,927

Page 6

Art Unit: 2133

system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Full Response

Art Unit 2133

August 31, 2006



**GUY LAMARRE  
PRIMARY EXAMINER**